

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re: : Chapter 11  
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ARCAPITA BANK B.S.C.(C), et al., : Case No. 12-11076 (SHL)  
: :  
Reorganized Debtors.<sup>1</sup> : Confirmed  
: :  
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**ORDER SUSTAINING OBJECTION TO ELITE GRANDE CLAIMS**  
**(Claim Nos. 554 & 555)**

Upon consideration of (i) the first omnibus objection to claims (the “First Omnibus Objection”) filed by the predecessors in interest to the above-captioned Reorganized Debtors (the “Debtors”), seeking entry of an order, pursuant to section 502(b) of title 11 of the United States Code, Rule 3007(d) of the Federal Rules of Bankruptcy Procedure and this Court’s Claim Objection Procedures Order [Docket No. 785], disallowing and expunging, among others, claim numbers 554 and 555 filed by the Elite Grande Hotel (“Elite Grande”) against Arcapita Bank B.S.C.(c), (ii) the Declaration of Craig E. Johnson in Support of Debtors’ Omnibus Claim Objections, dated July 15, 2013, filed as Exhibit F to the Supplement to the Debtors’ Omnibus Claim Objections [Docket No. 1351] (the “Supplement”), (iii) the Declaration of Steven Kotarba in Support of Debtors’ Omnibus Claim Objections, dated July 15, 2013, filed as Exhibit G to the Supplement, (iv) Elite Grande’s response to the First Omnibus Objection [Docket No. 1231], (v) the Notice of Hearing on Proofs of Claim Nos. 554 and 555 [Docket No. 1628], (vi) the Statement in Connection with Hearing Scheduled for October 24, 2013 [Docket No. 1641] filed by the Reorganized Debtors (the “Statement”), and (vii) the presentation of counsel at the hearing held on October 24, 2013; and the Court having jurisdiction to consider the First

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<sup>1</sup> The chapter 11 case captioned In re Falcon Gas Storage Company, Inc., No. 12-11790 (Bankr. S.D.N.Y.), is being administered jointly with the other above-captioned cases, but no plan has been confirmed in that case.

Omnibus Objection pursuant to 28 U.S.C. §§ 157 and 1334; and venue of this proceeding in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of the First Omnibus Objection and the opportunity for Elite Grande to be heard being appropriate under the circumstances; *and the response filed pro se by Elite Grande [Docket No. 1231 ] not having addressed the argument that claim numbers 554 and 555 were not timely filed;* and the Court having determined that the legal and factual bases set forth in the First Omnibus Objection, in the declarations in support thereof, and at the hearing establish just cause for the relief granted herein; and the Court having found that the relief requested is in the best interest of the Debtors' estates, their creditors, and other parties in interest; and after due deliberation and sufficient cause appearing therefor, it is hereby:

1. **ORDERED** that the relief requested in the First Omnibus Objection as it relates to claim numbers 554 and 555 is granted.
2. **ORDERED** that, pursuant to section 502(b) of the Bankruptcy Code, each of claim numbers 554 and 555 is disallowed in its entirety and expunged.
3. **ORDERED** that GCG, Inc. is hereby directed to adjust the claims register to reflect all of the provisions of this Order.
4. **ORDERED** that the Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: New York, New York  
October 29, 2013

/s/ Sean H. Lane  
THE HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE